

and brakecar could fail due to either excess wear or human error." That may be, but the Secretary has the burden of proving that allegation and he introduced no evidence of either.

The clear preponderance of the relevant evidence in this record does not support the alleged violation. Accordingly, I find that there has been no violation of the cited standard.

ORDER

Citation No. 2692281 is VACATED and the contest is GRANTED.


Roy J. Maurer
Administrative Law Judge

Distribution:

Timothy M. Biddle, Esq., and Susan E. Chetlin, Esq., Crowell
& Moring, 1100 Connecticut Avenue, Washington, D.C. 20036
(Certified Mail)

Robert A. Cohen, Esq., Office of the Solicitor, U. S. Depart-
ment of Labor, 4015 Wilson Blvd., Arlington, VA 22203
(Certified Mail)